

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

)	
In the Matter of)	
)	
Implementation of Pay Telephone)	
Reclassification and Compensation)	CC Docket No. 96-128
Provisions of the Telecommunications)	
Act of 1996)	DA 07-961

**JOINT MOTION TO EXTEND TIME
TO FILE PUBLIC COMMENTS**

Pursuant to 47 C.F.R. § 1.46(b), the Ad Hoc Coalition for the Right to Communicate, the Innocence Project, and the Sentencing Project (“Interested Parties”) jointly move the Federal Communications Commission (“Commission”) for a reasonable extension of time to file comments sought by the Commission regarding inmate calling services. *Comment Sought on Alternative Rulemaking Proposal Regarding Issues Related to Inmate Calling Services*, Public Notice, DA 07-961 (rel. March 2, 2007). The Interested Parties seek an extension of time to file comments to May 2, 2007, and for replies to May 23, 2007.

I. BACKGROUND

In November 2003, Martha Wright and others (“Petitioners”) filed a “Petition for Rulemaking or, in the Alternative, Petition to Address Referral Issues In Pending Rulemaking” asking the Commission to regulate telecommunications services to decrease the financial impact of prison calling services on incarcerated people, their family members and friends, and legal services providers. Petitioners asked the Commission (1) to require competition among service providers of collect call services from prisons and (2) to require service providers to permit incarcerated people to use debit cards to make phone calls. In early 2004, the Ad Hoc Coalition for the Right to Communicate, along with other interested parties, filed public comments in response to the Petition. To date, the FCC has not acted on the Petition.

On March 1, 2007, Petitioners filed a “Proposal for Alternative Rulemaking” (“Proposal”) asking the Commission to consider an alternative method of regulating telecommunications services for incarcerated people by establishing a cap on the long-distance call rates that exclusive service providers may charge for collect calling and debit card calling services from prisons. By public notice, the Commission issued a request for comments to be filed on or before April 2, 2007, with replies to be filed on or before April 17, 2007. The Interested Parties respectfully move the Commission for a

modest extension of time to file comments to May 2, 2007, and for replies to May 23, 2007.

II. GOOD CAUSE EXISTS TO EXTEND THE TIME TO FILE PUBLIC COMMENTS

While the Commission does not routinely grant time extensions, *see* 47 C.F.R. § 1.46(a), an extension of time to file public comments in a rulemaking proceeding may be warranted where “good cause” is shown and an extension would serve the public interest. *See, e.g., Implementation of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, 69 Fed. Reg. 7615 (Feb. 18, 2004) (granting motion to extend time in the above captioned rulemaking proceeding); *In the Matter of Telephone Number Portability*, Order, CC Docket 95-116, DA 03-4059 (rel. Dec. 22, 2003). In this matter, good cause exists for a reasonable extension of time necessary to permit full and informed analysis of the Proposal and comprehensive replies to any comments.

The Interested Parties represent individuals and organizations that support reasonably priced telecommunications among incarcerated people and their family members, friends, and attorneys. The Interested Parties seek a limited extension of time to file public comments because the current deadline presents an inadequate amount of time to collect information on the complex issue of how best to regulate telecommunications in the prison context and to conduct a thorough inquiry into how the proposed alternative

solution would affect the Interested Parties and the individuals and organizations they represent. In particular, the Ad Hoc Coalition for the Right to Communicate requires additional time to be able to contact and correspond meaningfully with more than 60 coalition members to determine the effect of the alternative proposal on their interests as family members, friends, and legal services providers who depend on regular, reasonably priced telecommunications contact with people incarcerated in distant correctional facilities.

III. A LIMITED EXTENSION OF TIME WOULD SERVE THE PUBLIC INTEREST IN FULL ANALYSIS OF THE ALTERNATIVE RULEMAKING PROPOSAL

A limited extension of time would also serve the public interest in a complete and thorough analysis of the Proposal, as the public comments of the Interested Parties will demonstrate that imposing rate caps on telecommunications services available to incarcerated people (1) serves penological purposes by facilitating their continued contact with family members and friends and (2) protects their constitutional rights of freedom of association and access to counsel by facilitating communication with family members, friends, and legal services providers. An extension of time is necessary for the Interested Parties to be heard fully on this important regulatory matter of great public interest. *See, e.g., In the Matter of Telephone Number Portability*, Order, CC Docket 95-116, DA 03-4059 (rel. Dec. 22, 2003).

IV. AN EXTENSION OF TIME WILL CAUSE NO PREJUDICE TO PETITIONERS OR OTHER INTERESTED PARTIES

The Commission has granted extensions where interested parties do not have sufficient time to develop a complete response to filings on complicated substantive regulatory issues, particularly where, as here, no prejudice will result to the petitioners. *See, e.g., In the Matter of AT & T Corp – Petition for Declaratory Ruling Regarding Enhanced Prepaid Calling Card Services*, WC Docket No. 03-133, DA 03-2188 (rel. July 2, 2003). In this case, Petitioners support the Interested Parties’ Joint Motion for an Extension of Time to File Public Comments. E-mail of Frank Krogh, counsel to Petitioners, to Lynn Lu, March 19, 2007 (on file with the Brennan Center for Justice). Because the Commission has not acted on the Petition for several years and no change to the status quo has been effectuated, no additional prejudice will result to other interested parties if an extension is granted.

WHEREFORE, for the foregoing reasons, the Commission should grant a modest extension of time to file comments regarding the “Proposal for Alternative Rulemaking” on inmate calling services to May 2, 2007, and for replies to May 23, 2007.

Respectfully submitted:

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Dated: March 20, 2007

CERTIFICATE OF SERVICE

I, Lynn Lu, hereby certify that on this 20th day of March 2007, I did cause to be served by electronic mail (*) and/or first-class mail, postage pre-paid, a copy of the foregoing "Joint Motion to Extend Time to File Public Comments" on the following individuals:

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